

Notice of Allowability

Application No.

09/842,554

Examiner

Eric S. McCall

Applicant(s)

BALCH ET AL.

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Applicant's election dated Dec. 10, 2003.
2. ☒ The allowed claim(s) is/are 1-25 and 32-56.
3. ☒ The drawings filed on 26 April 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 4/26/01
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


Eric S. McCall
Primary Examiner
Art Unit: 2855

**METHOD, SYSTEM, AND STORAGE MEDIUM FOR
DETERMINING A VEHICLE REFERENCE SPEED**

EXAMINER'S AMENDMENT

An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to the Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

CLAIMS

Cancel non-elected (without traverse) claims 26-31 and 57-62.

REASONS FOR ALLOWANCE

The following is an Examiner's statement of reasons for allowance:

Claim 1 has been found to be allowable over the prior art because the prior art fails to teach or suggest a method for determining a reference speed of a vehicle having a plurality of powered axles comprising the combination of:

selecting a measured speed indicative of the vehicle speed from the axle having the lowest speed;

determining the axle (ie. "speed axle") having a predetermined amount of creep;

compensating a derived speed of the axle ("speed axle"), as claimed, by subtracting a creep value from the derived speed to obtain a corrected vehicle speed; and

generating the reference speed based on one of the measured speed or the corrected speed in response to operating dynamics of the vehicle.

Claim 32 has been found to be allowable over the prior art because the prior art fails to teach or suggest a system for determining a reference speed of a vehicle having a plurality of powered axles comprising a control process including:

selecting a measured speed indicative of the vehicle speed from the axle having the lowest speed;

determining the axle (ie. "speed axle") having a predetermined amount of creep;

Art Unit: 2855

compensating a derived speed of the axle ("speed axle"), as claimed, by subtracting a creep value from the derived speed to obtain a corrected vehicle speed; and
generating the reference speed based on one of the measured speed or the corrected speed in response to operating dynamics of the vehicle.

All of the remaining claims have been found to be allowable over the prior art due to their dependency on one of the above claims.

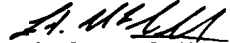
CONCLUSION

Any comments considered necessary by the Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric S. McCall whose telephone number is (571) 272-2183.

Art Unit: 2855

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Eric S. McCall
Primary Examiner
Art Unit 2855
Feb. 27, 2004